

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DWAYNE RAYSHON)
DEGRAFFENRIED,)
Petitioner,)
v.) 1:19CV1233
ERIC A. HOOKS,)
Respondent.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on August 19, 2020, was served on the parties in this action. (Docs. 10, 11.) Petitioner objected to the Recommendation. (Doc. 12.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Respondent's motion for summary judgment (Doc. 6) be GRANTED, that the petition (Doc. 1) be DENIED, and that Judgment be entered dismissing this action. A judgment dismissing this action will be entered contemporaneously with this Order. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor

a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

September 22, 2020